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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,748	10/20/2003	Abc Nishiki		9269

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Clyde I. Coughenour
16607 Sutton Place
Woodbridge, VA 22191

07/06/2007

EXAMINER

GETTMAN, CHRISTINA DANIELLE

ART UNIT	PAPER NUMBER
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3734

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,748

Applicant(s)

NISHIKI, ABE

Examiner

Christina D. Gettman

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 9, 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Gellaman et al. (U.S. Patent No. 6,099,547) in view of Schenk (U.S. Patent No. 4,257,406). Gellaman et al. disclose the invention as claimed including a first and second handle grip (ref. 21, Fig. 2b-2c), a first and second jaw (ref. 10 and 18, Fig. 2d), a first and second blade (ref. 14, Fig. 2d), the blades extending upwardly from the jaws (see Fig. 2, if handle and jaws are laid on a flat surface, the blades extend upward from the jaws), a ratchet means (ref. 22, Fig. 2d), a fulcrum pin (ref. 20, Fig. 2d), a curved rack and pawl (ref. 22, Fig. 2b), irregular cog surface (ref. 22, Fig. 2b-2c), and a flat rack on the ratchet means (see opposite side of ref. 22, Fig. 2b). Gellaman et al. do not disclose enlarged with hook means. Schenk teaches a first and second enlarged hook on the blades being in the shape of balls (ref. 19 and 20, Fig. 1) for the purpose of holding the foreskin on the device. Therefore, it would have been obvious to one having ordinary skills in the art at the time of the invention to have modified Gellaman et al. with enlarged hook means on the end of the blades in order to prevent the skin from slipping off of the device.

Claims 3, 6-7, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellman et al. and Schenk as applied to claims 2 above, and further in view of Cox (U.S. Patent No. 4,269,089). Gellman et al. discloses the invention substantially as claimed except for a ratchet means with a pawl, a stop on the second handle grip, or a spring-loaded projection. Cox teaches a ratchet means with a pawl (ref. 7 and 9, Fig. 1), a stop (ref. 11, Fig. 1), and a spring-loaded projection for the purpose of moving the handle grips with respect to each other. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Gellman et al. and Schenk with a ratchet means with a pawl, a stop on the second handle grip, and a spring-loaded projection in order to move the handles with respect to one another to spread apart the foreskin of a penis as well as holding it in the opened position.

Claim 4 and 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gellman et al, Schenk, and Cox as applied to claims 3 and 7, and further in view of Hastings (U.S. Patent No. 4,269,089). Gellman et al, Schenk, and Cox disclose the invention substantially as except for a slot to accommodate the pawl. Hastings teaches a slot for the purpose of pivoting the handle grips (ref. 24, Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Gellman et al, Schenk, and Cox with a slot in order to allow the two handle grips to be pivoted away from each other.

Claim 5 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gellman et al., Schenk, and Cox as applied to claim 3 above. Gellman et al. further

discloses a curved rack with a smooth side and an irregular cog surface for engagement with a pawl (see ref. 22, Fig. 2b) and the ratchet means acting as a bias means.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gellaman et al. and Schenk as applied to claim 9 above, and further in view of Tiedemann. (U.S. Patent No. 2003/0233119). Gellaman et al. and Schenk disclose the invention substantially as claimed except for the hook being coated. Tiedemann teach a hook that is coated with a non-slip for the purpose of protecting the skin (par. 23, line 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Gellaman et al. and Schenk with a coating, such as a polymer, to keep the hooks from damaging the foreskin upon stretching it.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

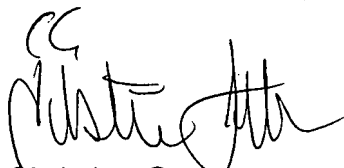
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina D. Gettman whose telephone number is 571-272-3128. The examiner can normally be reached on Monday-Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christina Gettman
Art Unit 3734
571-272-3128



MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER